

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN D. KETZNER, #119069, and
WILLIAM D. LOVETT, #118387

Plaintiffs,

File No. 4:06-CV-73

v.

HON. ROBERT HOLMES BELL
RAY M. WILLIAMS, et al.,

Defendants.

/

**ORDER AND JUDGMENT ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

IT IS HEREBY ORDERED that the October 23, 2007, Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 45) is **APPROVED** and **ADOPTED** as the opinion of the Court as modified.

IT IS FURTHER ORDERED that the objections to the R&R filed by Defendants Ketzner and Lovett (Dkt. Nos. 46, 54) are **GRANTED IN PART** and **DENIED IN PART**. All of the objections are denied except Defendant Lovett’s objection to the finding that he failed to exhaust his First Amendment and RLUIPA claims against Defendant Fether in his first grievance.

IT IS FURTHER ORDERED that Defendants’ motion to dismiss and/or for summary judgment (Dkt. No. 26) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Ketzner's claims for declaratory and injunctive relief are **DISMISSED** as moot.

IT IS FURTHER ORDERED that Plaintiffs' claims, with the exception of those claims identified in section 4 of the R&R as being exhausted (R&R 20-25), and Plaintiff's First Amendment and RLUIPA claims against Defendant Fether, are **DISMISSED** for lack of exhaustion.

IT IS FURTHER ORDERED that **JUDGMENT** is entered in favor of Defendants on all remaining claims.

This case is **CONCLUDED**.

Dated: September 30, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE